

ENVIRONMENTAL ASSESSMENT
Case File No. : AA-082598
AK-040-04-EA-007

Applicant: Michele Stevens
P.O. Box 20
Talkeetna, Alaska 99676

Type of
Action: Federal Land Policy and Management Act Lease, 43 CFR 2920

Location: A portion of Section 21, T. 28 N., R. 8 W., Seward Meridian.

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Preparing
Office: Bureau of Land Management
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Date: January 27, 2004

I. INTRODUCTION:

A. Background:

Petersville is a historic mining area approximately 22 miles northwest of Trappers Creek, Alaska. Originally the buildings and equipment located at Petersville were used for mining purposes for a group of claims most recently called the Add-Ventures mining claim group. These claims were deemed abandoned and void in 1985. After the claims were no longer valid, the Bureau of Land Management (BLM) tried to convey this land to the State of Alaska. The State of Alaska, Department of Natural Resources (DNR), viewed the occupation of buildings at the site as a trespass and wanted BLM to resolve this issue before the state would take conveyance of the lands. During a meeting in October 1999, Michele Stevens presented a quitclaim deed signed in January 1994. The equitable title owner, John Jacobsen, quitclaimed “all interest which grantor has, if any” to Michele Stevens. Based on this quitclaim deed BLM acknowledged Ms. Stevens had gained some measure of ownership in the structures located on public land.

BLM had several conversations with Ms. Stevens about resolving this occupancy. BLM pursued this as an unauthorized use requiring the removal of the improvements from the site. In a meeting in mid-October 1999, BLM and Ms. Stevens came to the understanding that she would move her buildings, but if she could convince DNR to accept her occupancy of the buildings and the land, then BLM would consider a lease authorizing her occupation of the buildings. By August 2000, DNR had agreed that some kind of authorization for her occupancy of the site would be acceptable, and the BLM and DNR entered into discussions about what form of authorization would be appropriate. On October 10, 2000, Ms. Stevens filed an application for a lease of public land. On March 19, 2003, DNR issued a letter of concurrence for a lease to Michele Stevens.

The applicant applied for a lease of twenty acres of public land. In considering the application, BLM staff determined that the applicant actively uses the five acres of the land that the structures are currently occupying. Within the remaining fifteen acres are several pieces of old mining equipment that the applicant claims as personal property. BLM staff determined that a lease can be issued for the area encumbered by real property and justified according to regulatory guidance. Therefore, an analysis of a five-acre leasehold was determined to be reasonable and justifiable. The applicant also applied to post the perimeter of the lease boundary as “private,” and the buildings as “private residential, not open to the public.” Since the land in question is public land, posting of the boundary as private cannot be authorized; and “not open to the public” is redundant of the term private residential and will not be analyzed as part of the Proposed Action.

B. Purpose and Need for the Proposed Action:

In January 1994, Ms. Stevens gained title to the structures located in this area through a quitclaim deed from John Jacobsen. The quitclaim deed granted her ownership of the structures but not the land. Since the Federal land is managed by the BLM, she has applied to legally occupy and use the structures for residential purposes.

C. Conformance with Land Use Plan:

The Proposed Action has been reviewed and found to be in conformance with the Southcentral Management Framework Plan (MFP), March 1980. Objective Number L-1 of the MFP states the BLM intends to "Satisfy state and local government needs as well as public and/or private demonstrated needs for land as they arise."

II. PROPOSED ACTION AND ALTERNATIVE

A. Proposed Action:

The Proposed Action is to continue the use and occupancy of several structures located on State selected public land. In January 1994, Ms. Michelle Stevens gained title to the structures located in this area through a quitclaim deed from John Jacobsen. The structures date back to the mid-1930s and originally were built to support work at nearby mining claims.

The buildings are clustered in two distinct areas. The north cluster includes: two frame cabins, a cook shack/bunkhouse, a shop building, a Nodwell trailer, and two outhouses. The south cluster (350 feet to the south) includes: a frame house, a frame storage shed, and an outhouse. The outhouses are beyond the 100 foot minimum from the highwater mark of streams, rivers and lakes. Both clusters are generally located along the eastern side of the proposed lease area.

The area is approximately 22 miles northwest of Trapper Creek, Alaska, at Petersville, in Section 21, T. 28 N., R. 8 W., Seward Meridian. The area contains part of the Seattle No.1 mining claim as shown on Mineral Survey 2384. The area encompasses approximately five acres of public land and is described as:

A portion of Seattle No.1, beginning at corner 1, south along line 1-2 for 704 feet, thence S. 86° 56' W. for 310 feet, thence N. 1° 3' E. for 704 feet to the north boundary of Seattle No. 1, thence along line 4-1 at N. 86° 56' E. for 310 feet to corner no. 1.

Access to the area is by the Petersville Road; a State of Alaska secondary

highway. The buildings are located along the western side of this road. The applicant proposes year-round occupation of this land. No new construction is proposed, only repair of existing buildings. The site would be used for private purposes with no commercial activities. The applicant has requested to post the buildings with “Private Residential” signs.

On March 19, 2003, DNR issued a letter of concurrence for the Proposed Action subject to twenty-three conditions. All the conditions will be incorporated as part of any authorization that is issued. The following conditions are related to how the property should be managed to have the least environmental impacts to the surrounding area, and are referenced by the same number as used in the DNR letter:

8. **Use of Leasehold.** The lease is for private residential use, maintenance of existing buildings, and the storage of historical mining equipment and artifacts within the leasehold. No new improvements may be added under the lease authorization. The lease may be terminated, upon written notification, if the land ceases to be used by the Lessee for the purpose specified in the lease.

Old equipment and artifacts located within Mineral Survey 2384 and owned by the lessee, must be consolidated onto the leasehold becomes the property of the State upon expiration of the lease.

9. **Petersville Road Right-of-Way.** The lease is issued subject to the right-of-way for Petersville Road.
10. **Spur Road Access Easement.** A public easement shall be reserved over the existing spur road accessing Peter’s Creek from Petersville Road. The spur leaves Petersville Road between the buildings located at the northern portion of the lease. An alternate access easement may be approved, but must be constructed to equal or better standards than the existing spur road. State regulations recommend a 60-foot easement for existing roads not already having a reserved easement.
11. **Other Access.** Public access shall not be restricted along Peter’s Creek. No new access trails or roads are authorized without written authorization from the BLM or upon conveyance of the land to the State of Alaska, the DNR, authorized officer.
12. **Wastewater Disposal.** All gray water or human waste must be disposed of in a pit, or containment which can easily be transported and disposed of

at an Alaska Department of Environmental Conservation (DEC) approved disposal site. If pits are used, they must be limed and backfilled on or before lease expiration or upon lease termination.

Pit privies or any self-containment unit for waste must be located a minimum of 100 feet from the ordinary high water mark of any water body.

13. **Waste Disposal.** The site must be kept clean. All garbage and debris will be stored to not attract wildlife. All waste generated during the operation and termination activities of this lease shall be removed and disposed of as required by state and federal laws. As defined in this paragraph “waste” means all discarded matter, including, but not limited to, human waste, trash, garbage, litter, oil drums, petroleum, ashes and discarded equipment.
14. **Site Disturbance.** Site disturbance shall be kept to a minimum to protect local habitat. Activities on the leasehold shall be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems. Particular attention must be paid to prevent pollution and siltation of streams, lakes, ponds, waterholes, seeps and marshes, and to prevent disturbances to fish and wildlife populations and habitats.
15. **Surface Resources.** Unless otherwise provided by the lease or other written authorization, the lessee may not sell or remove from the leasehold any timber, stone, gravel, peat moss, topsoil, or any other material valuable for building or commercial purposes.
16. **Fuel Storage.** Fuel storage containers, including flow test holding tanks and hazardous substances, with a total combined capacity larger than 55 gallons shall not be placed within 100 feet of the ordinary high water mark of any water body. Containers which exceed a total combined capacity of 110 gallons must be stored within an impermeable diked area or portable impermeable containment structure capable of containing 110 percent capacity of the largest independent container. All containers must clearly be marked with the contents and lessee’s name. Drip pans and materials, such as sorbent pads, must be on hand to contain and clean up spills from any transfer or handling of fuel.
17. **Spill Notification.** Lessee shall immediately notify the DNR and DEC by telephone of any unauthorized discharges of oil to water, any discharge of

hazardous substances (other than oil), and any discharge of oil greater than 55 gallons solely to land and outside an impermeable revetment. If a discharge of oil is greater than 10 gallons but less than 55 gallons, it must be reported within 48 hours by telephone or fax. If a discharge is less than 10 gallons, it may be reported in writing on a monthly basis. If an unauthorized discharge greater than 55 gallons is made to a secondary containment, it must be reported within 48 hours by telephone or fax. Any discharge of oil or hazardous substances to water must be reported immediately to DEC. The DEC oil spill report number is (800) 478-9300. The DNR 24-hour spill report number is (907) 451-2678; the fax number is (907) 451-2751. DNR or the appropriate land manager and DEC shall be supplied with all follow-up incident reports.

18. **Fires.** The DNR assumes no responsibility for protecting any temporary improvements or personal property in cases of grass, brush, or forest fires.

B. No Action Alternative:

The No Action Alternative would be to continue to manage the land as public land. This could result in requiring the structures to be removed or the applicant relinquishing any claim to the structures.

III. **AFFECTED ENVIRONMENT**

A. Critical Elements:

The following critical elements of the human environment have been analyzed and are either not present or will not be affected by the Proposed Action or the No Action Alternative.

- Air Quality
- Areas of Critical Environmental Concern
- Environmental Justice
- Farmlands (Prime or Unique)
- Flood plains
- Invasive, non-native Species
- Native American Religious Concerns
- Water Quality (Surface/Ground)
- Wetlands/Riparian Zones
- Wild and Scenic Rivers
- Wilderness

1. ANILCA Section 810 Clearance:

The State of Alaska has selected these lands under its entitlement from Statehood. The subject lands do not meet the ANILCA section 102(3)

definition of Federal Public Land; therefore are not under the authority of the Federal Subsistence Board and Subsistence Management Regulations for the Harvest of Wildlife on Federal Public Lands in Alaska and the Subsistence Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands in Alaska.

2. Cultural Resources:

Located within the site are five main structures, one shed and three outhouses. The main structures were constructed around 1936, all essentially in the same manner. All are rectangular with simple gable roofs of corrugated metal with barge-boards and exposed rafters. No consultation is necessary under Section 106 of the National Historic Preservation Act.

3. Threatened and Endangered (T&E) Species Clearance:

The Proposed Action and Alternative were evaluated in accordance with the Endangered Species Act of 1973, as amended. There are no known threatened and endangered plant and animal known to occur on the site. No consultation with the U.S. Fish and Wildlife Service (USF&WS) is necessary pursuant to Section 7 of the Act.

4. Wastes, Hazardous/Solid:

Generally remote sites will have some level of waste associated with them, through normal human activity. Items present or continually generated include wastewater, human waste, household garbage, and stored fuel.

B. Land Status:

The State of Alaska has a selection on the land. Except for about 200 acres, the BLM has patented or tentatively approved all of the land around this area to the State of Alaska. An omnibus road easement, FAS Route No. 584 (Petersville Road), owned by the State of Alaska, encumbers the land. The road easement extends fifty feet on each side of the centerline of the road.

C. Visual Resources:

The Southcentral Management Framework Plan Objective VR-2 states the BLM will maintain the visual quality of this planning area and that development will be designed for minimum impact to visual resources.

The visual features of this proposed lease site are quite unique. The southern end of the lease site is elevated above much of the surrounding terrain and provides a dramatic view of the Peter's Creek basin, and the surrounding foothills of the

Alaska Range in the distance. The visual resource from the valley floor is a bit more obstructed with high alder, willow and occasional cottonwood trees, but the vegetation is sparse enough to appreciate the surrounding visual quality. Utilizing BLM's Scenic Quality Inventory and Evaluation Chart; this area rates as Class A.

D. Recreation:

This area is used for snowmobiling, ATV riding, biking, and hiking tours. The area is located within the State designated Petersville Recreational Mining Area.

IV. ENVIRONMENTAL CONSEQUENCES

A. Impacts of the Proposed Action:

1. Critical Elements:

a. Cultural Resources:

Under the Proposed Action, the buildings that are located on this site since the mid-1930s will remain intact. This will be a positive impact in that a cultural resource will continue to be viewed by the public traveling the Petersville Road.

b. Wastes, Hazardous & Solid:

Site activities will utilize fuel and other materials which contain oil and/or hazardous substances which, when improperly managed, can cause degradation of all aspects of the affected environment. These materials may include, but are not limited to gasoline, diesel fuel, heating oil, propane, batteries, oil/grease, pesticides (insect repellent), etc. Site occupants will generate wastewater, to include human waste. If improperly managed, wastewater has the potential to pollute nearby water and create other human health issues. Non-hazardous solid waste (trash) will be generated. If improperly managed, solid waste has the potential to attract disease vectors, such as flies and rodents. It also has potential to attract scavenging animals, such as bears, foxes, coyotes, wolves, which can present a human safety issue.

2. Visual Resources:

The use and occupancy of the site will not affect the overall visual quality of this area or the current VRM rating.

3. Recreation:

Snowmobiling/ATV/biking/hiking tours use the surrounding area to conduct their activities. The use and occupancy of these structures does

not impede users of the area as the Petersville Road provides adequate access to the general area. Posting the structures as private residential should not be confusing to the people driving along the Petersville Road.

Access to the State designated Petersville Recreational Mining Area will be maintained as a condition of the state's concurrence. However, the possibility exists that people trying to access Peter's Creek for recreational mining may be confused about whether or not they are crossing private property. The spur road to Peter's Creek leaves the Petersville Road near the ATCO trailer which will be posted private residential. The close proximity of the spur road to the posted buildings has the potential to create confusion for the casual user of the road. Additionally, some people may choose to park their vehicles within the 100 foot wide easement for the Petersville Road. Recreationists and the applicant may have disagreements about where they park their vehicles.

4. Fire:

Trash generated by the applicant may be burned on site. If a fire should escape during periods of high fire danger, it could spread and cause a wildland fire.

B. Impacts of the No Action Alternative:

1. Critical Elements:

a. Cultural Resources:

Under the No Action Alternative two outcomes are possible. Michele Stevens, owner of the Petersville buildings (AHRs# PET-051), has the choice of removing the buildings from Federal land or quitclaiming the buildings to the Federal government. Should the buildings be moved or torn down the action would adversely affect the cultural resources. Should the buildings be deeded to the Federal government, they would receive protection under Federal law.

b. Wastes, Hazardous/Solid:

Site activities, which utilize fuel and other materials which contain oil and/or hazardous substances, will not be taking place because the site will no longer be occupied. For the same reason, wastewater, to include human waste, will not be generated by site occupants, nor will non-hazardous solid waste (trash). Site reclamation, which would be required as a result of not authorizing occupation of the site, would result in the removal of any solid waste which currently is located on site.

2. Visual Resources:

One outcome would be that the applicant relinquishes the structures to the BLM and the site would maintain a very similar visual quality that currently exists. Another outcome would be removal of the structures by the applicant, which would result in the area being returned to a more natural state, resulting in enhancement of the visual resource.

3. Recreation:

There will be little effect from continuing federal management. The dominant use of the area will continue to be dispersed recreation and recreational mining.

4. Fire:

Because the site would be unoccupied under the No Action Alternative, the chance of a human caused fire would be somewhat lower. People would continue to use the general area, so the possibility of a human caused fire would still exist.

C. Cumulative Impacts:

Sources from the early 1900-s document an increasing build-up of mining around Peter's Creek, Cache Creek and their tributaries. The structures were built at Petersville in 1936 and indicated a significant increase in mining at Petersville which continued until WWII when mines not essential to the war effort were closed by order of the War Department. After WWII ended, mining and associated human occupation would have begun again in this area, but it has never risen to pre-war levels. Implementation of the Proposed Action adds little cumulative impact to the area; it simply retains a status quo of recent years.

A cumulative impact of both the Proposed Action and the No Action Alternative is that when BLM conveys the land to the state of Alaska, the designated Petersville Recreational Mining Area will be opened to the general public, which will increase the number of recreationists using the area in the summer as awareness of the area increases. However, compared with historic levels of mining activity, impacts will be few when compared with past use of the area.

D. Mitigation Measures:

1. Recreation:

- a. The applicant should not interfere with the public's right to use the 100 foot-wide easement for the Petersville Road.

- b. Provisions should allow for the placement of signs directing the public to use the spur road for access to the Petersville Recreational Mining Area.

V. CONSULTATION AND COORDINATION:

A. Individuals and Agencies Consulted

Carol Compton, DNR

B. List of Preparers:

Larry Beck, Environmental Protection Specialist

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